

Accepted

Minutes from the Individual Sewage Disposal System (ISDS) Task Force – Regulatory Working Group Meeting of April 10, 2001

The meeting was held in Conference Room 280, DEM Office of Water Resources, 235 Promenade Street and began at approximately 8:15 AM.

In attendance:

Russ Chateaufneuf, Monica Staff, Tom Getz, George Loomis, Rob Adler, Kendra Beaver, Alison Walsh, Scott Moorehead, Ernie Panciera, Deb Knauss

Review of minutes from March 28, 2001

Minutes were accepted as presented.

Funeral Homes and Beauty Parlors

It was reported that RI DEM Regulated Medical Waste Regulations permit discharging blood to a septic system, provided that no more than ten gallons are discharged in a 24-hour period and that chemical disinfectants and/or preservatives have not been added to the body prior to discharge of the blood. It was also reported that formaldehyde *is* listed as a hazardous material, and thus may not be discharged to an ISDS under DEM's Waste management rules, and that funeral homes now use gluteraldehyde, which is not listed; only very small quantities of formaldehyde are used, usually in combination with gluteraldehyde. It was also reported that New Jersey requires funeral homes to be on public sewer systems. No information was obtained from CT concerning regulation of wastewater generated by funeral homes and beauty parlors. DEM will continue to seek this information.

Phosphorous reduction legislation

This topic was tabled until a future meeting.

Removal of Cesspools

Concepts for requiring removal of cesspools, which had been developed in past meetings of the Regulatory Working Group, were discussed. Monica Staff, representing the RI Association of Realtors, participated in the meeting as a first step toward information exchange with the group.

Initial thoughts are that any option should target locations with nearby sensitive receptors, such as marine and inland ponds and estuaries and receiving waters and those within some minimum distance of drinking water wells. The specific extent of these areas has not yet been established; and municipally designated areas could also be included. One member suggested that all cesspools should be targeted for removal, regardless of risk factors. Other concepts and ideas shared or discussed included the following:

At point of sale, require cesspools to be removed on condition of a presumption of failure. All options for point of sale allow 12 months (or other time period) after sale for completion of work.

1. At point of sale, inspect system and require demonstration that cesspool is not compromising public health and the environment (for example demonstrate adequate separation to groundwater, drinking water wells...)
2. At point of sale, inspect cesspool per Septic System Checkup Handbook; require upgrade of cesspools which do not pass the inspection.
 - Advantages of a point of sale mechanism are that it gradually phases cesspools out and at the time of transfer, money is changing hands and there is opportunity to absorb the cost associated with cesspool replacement into the negotiation process.
 - Disadvantages of point of sale options are that if a property does not sell, the cesspool will not be removed. To address this it was suggested that a deadline be included, for example,

point of sale or by some specific date. It was noted that point of sale–related solutions have historically been met with objection by the realtors. It was also stated that there is not generally a surplus of money available at time of sale, for dealing with issues such as upgrading cesspools; money received by a seller is generally re-invested in a home. Relying on change of ownership to remove cesspools is not linked to environmental protection; a polluting cesspool will remain in use until the home it serves is sold.

3. Deadline date by which all cesspools must be removed. (Tiverton is requiring that cesspools within a specified distance of Stafford Pond must be removed by a certain date).
 - Disadvantages of a deadline are that it is not linked to environmental protection, there will be an enforcement problem associated with identification of properties with cesspools. Additionally, it was speculated that if there were a cesspool removal deadline, most cesspools would come out very near the sunset date, creating problems for ISDS designers and installers and DEM.
4. Include rental property as one of the triggers for requiring removal of cesspools. It was reported that approximately half of the sewage overflows investigated by the DEM Office of Compliance and Inspection are on rental properties.
5. Modify the system suitability determination (SSD) trigger to include any addition to the enclosed space of a structure which requires a building permit. There was no objection to modifying the SSD threshold.
6. A risk based approach, which would require removing cesspools, by deadlines assigned according to location in the watershed, or one watershed at-a-time.
 - Advantages of this approach are that it is consistent with the watershed approach, and it links the removal strategy to environmental protection. Additionally, it meters out replacement of cesspools to a more manageable workload for the private sector engaged in ISDS work and for DEM ISDS staff.
7. It was suggested that requiring removal of cesspools in (critical resource) areas which are considered sensitive, is too narrow, that perhaps rather there should be a statewide requirement for removal with provisions for exemption. This could be implemented one watershed at-a-time.

Funding Options

- Funding should be a part of the cesspool removal strategy package.
- Community Septic System Loan Program (CSSLP) already in-place.
- For the deadline options, loans with interest rates linked to when the cesspool is removed, such that those removed in the first year, would obtain the lowest interest rate. The interest rate would increase each subsequent year, to some maximum rate, for the last year prior to the deadline.
- Use Community Development Block Grant money for septic systems; municipalities would have to be convinced of the merit of doing so.
- Tax Credit – Representative Garvey has introduced an Income/Local Property Tax Credit Bill (H 6173 - Committee on Finance). Monica Staff indicated that the RI Association of Realtors would support such a bill in concept.
- Means-tested loan

Funding-related problems

- It was conservatively estimated that the construction costs associated with upgrading the estimated remaining number of cesspools would be \$150 million, based on 30,000 cesspools replaced at an estimated cost of \$5,000 each.
- Farmers' Home Administration loans will not allow sale of property until work funded through its program is complete.

Monica agreed to take the options discussed to the Board of Directors for discussion. DEM agreed to summarize potential options for review at the next stakeholder meeting and forward the results to her prior to that Board of Director's meeting, which is scheduled for May 8, 2001.

Meeting adjourned at approximately 10:20.

Next Meeting

The Meeting will be held in Conference Room 280, DEM Office of Water Resources, 235 Promenade Street.

- **Friday**, April **27**, 2001 8 AM to 10:00 AM